

FREDERICK COUNTY PLANNING COMMISSION

January 11, 2017

TITLE: **Arcadia Business Park (Formerly the Russell Property), Lots 1-6**

FILE NUMBER: **S-1140, AP 16796 (APFO 16797, FRO 16798)**

REQUEST: **Preliminary Plan Approval**
The Applicant is requesting Preliminary Plan approval to resubdivide a 61.50-acre site into 6 lots.

PROJECT INFORMATION:

ADDRESS/LOCATION: Buckeystown Pike located north of English Muffin Way.
TAX MAP/PARCEL: Tax Map 86, Parcel 175
COMP. PLAN: Limited Industrial (LI)
ZONING: Limited Industrial (LI)
PLANNING REGION: Adamstown
WATER/SEWER: W-1/3/S-3

APPLICANT/REPRESENTATIVES:

Applicant: St. John's Properties
Owner: St. John's Properties
Engineer: Harris, Smariga and Associates, Inc.
Architect: N/A
Attorney: David Severn, Esq.

STAFF: Tolson DeSa, Principal Planner II

RECOMMENDATION: Conditional Approval

ATTACHMENTS:

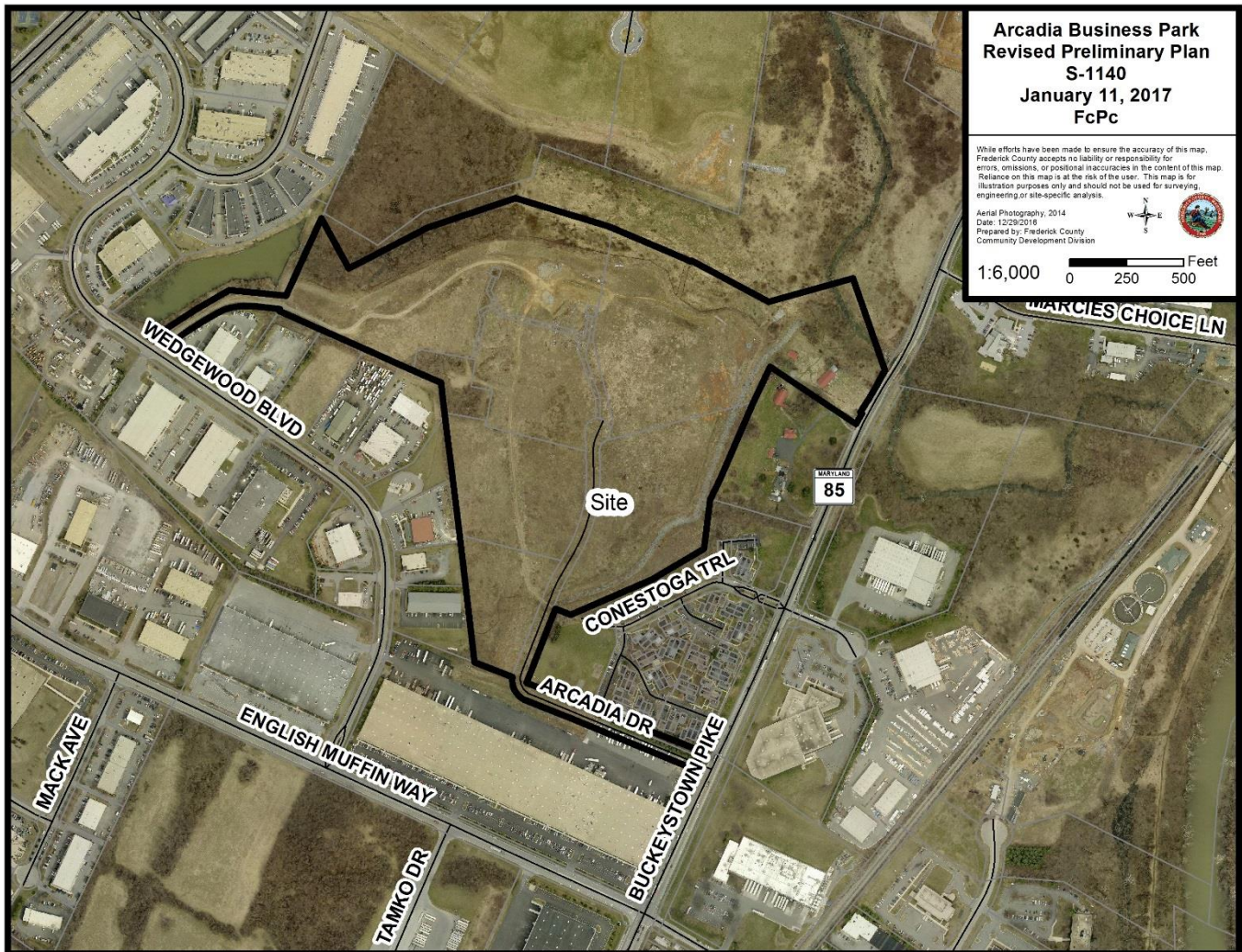
Exhibit 1- Arcadia Business Park Site Plan Rendering

STAFF REPORT

ISSUE

The Applicant is requesting Preliminary Plan approval for the reconfiguration of Lots 1-6 on a 61.50-acre site. This Preliminary Plan proposes to reconfigure Lots 1 through 6 within Arcadia Business Park (formerly Russell Property). Lots 1 through 6 are recorded in Plat Book 95, Pages 176 to 179. This revised Preliminary Plan revises the alignment of Arcadia Drive through the existing townhouse development known as Countryside, along with 6 new lot configurations. The Applicant is proposing 31,172 sq. ft or .71 acres of land will be added to Arcadia Business Park from the Countryside land holdings, see Sheet 3 of 3. This area will provide an improved access for the residents of Countryside as well as the Arcadia Business Park. The site is proposed to be developed as a general light industrial business park, (see Graphic #1).

Graphic #1: Arcadia Business Park: Site Aerial



BACKGROUND

Development History

The original property (approximately 140 acres) from which this subject property was developed, has the following re-zoning history:

- The original property was zoned Agriculture on the 1959 Frederick County Zoning Map.
- A 1970 rezoning changed the zoning to Residential Mobile Home District.
- The entire original site was comprehensively rezoned to Planned Unit Development (PUD) in 1972.
- The 1977 Zoning Maps were updated in 1989, and showed a 1988 rezoning of the property into several zones, but primarily Office/Research/Industrial (ORI) for about 95% of the Russell Property.
- The 2000/2001 Adamstown Comprehensive Rezoning process changed the ORI zoning to limited industrial (LI).

On August 16, 2006, the FCPC approved a Combined Preliminary Plat/Final Site Plan Application for 6 industrial lots containing 11 office/warehouse buildings for a total of 413,730 square feet on 104.45 acres.

- At the time, the Preliminary Plan (AP 4164), received a three year approval with an 8/16/2009 expiration date. Under Ord. #09-23-527 the expiration date was extended three years to 8/16/2012. In 2011, under a second ordinance, the project's expiration date was further extended to 8/16/2015. The Applicant recorded all of the plats for the 6 lots shown on the Russell Preliminary Plan prior to 8/16/15, and therefore has vested the Preliminary Plan.
- APFO (AP 4042) approval was originally granted for three years or until 8/16/2009. Similar to the Preliminary Plan, the APFO was also extended twice, resulting in an expiration date of 8/16/2015. The Applicant recorded all of the plats for the 6 lots shown on the Russell Preliminary Plan prior to 8/16/15 and has paid all of the required escrow payments, and therefore has vested the APFO portion of the Preliminary Plan.
- The original approval period for the Russell Site Plan (AP 4041) was two years, with an 8/16/2008 expiration date. The Site Plan approval was also extended twice to 8/16/2014, and expired on that date.
- Staff worked with the Applicant toward plat recordation and vesting prior to expiration. As part of that process, the project was resubmitted for site plan review. Staff worked with the Applicant to bring the previously approved site plan further into compliance with the existing Code within the confines of the recorded plats and avoiding complete redesign of the project.

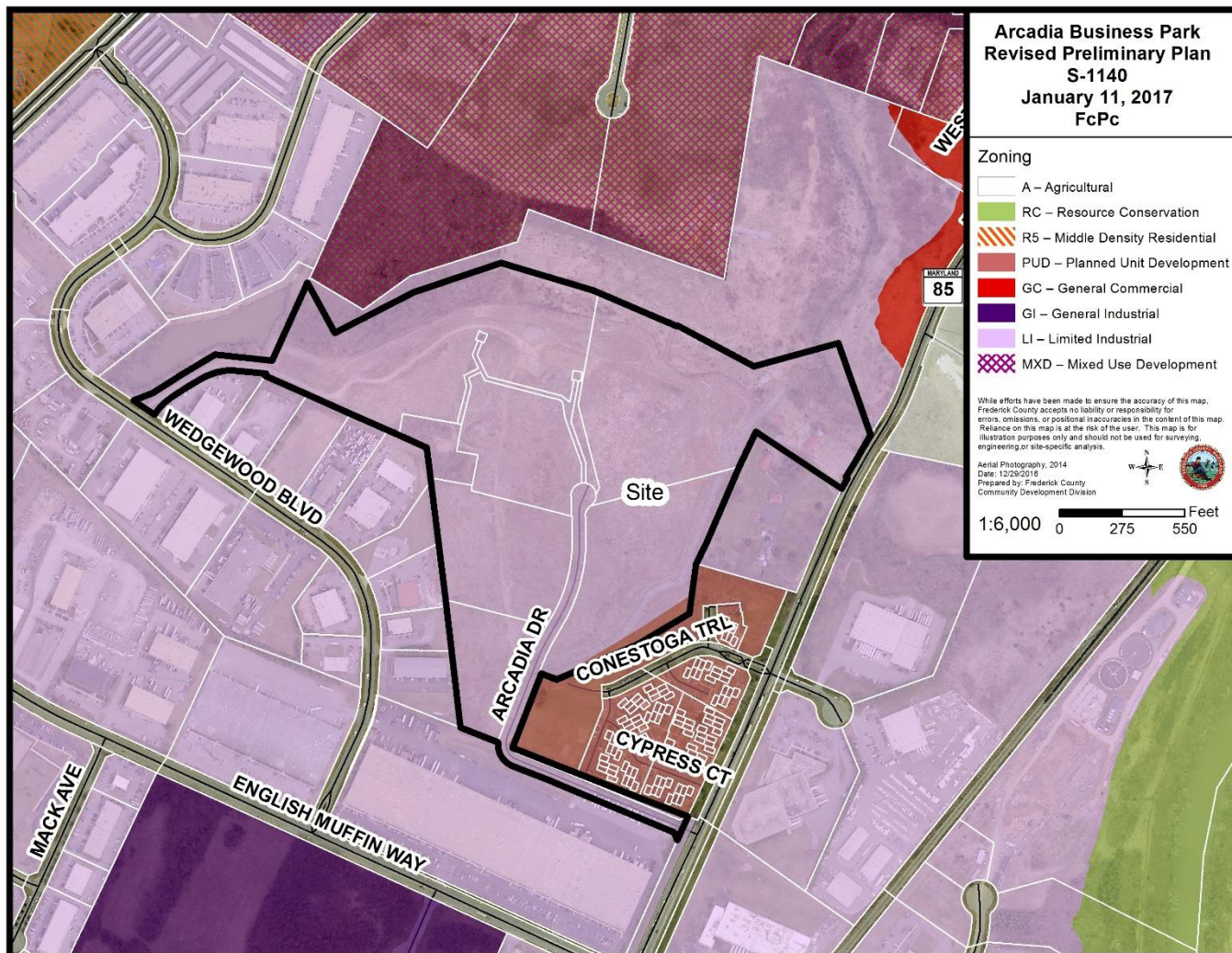
On October 14, 2015 the FCPC approved site plans for Russell Lots 1, 2 and 6.

Revised site plans for Arcadia Business Park Lots 5 & 6 are on the FCPC agenda for the January 11, 2017 meeting.

Existing Site Characteristics

The site is currently zoned LI, and is vacant but graded, undeveloped land. The Russell Property is surrounded by limited industrial development to the north, south and west (see Graphic #2 below). Wedgewood Business Park is located to the south and is largely built out. Westview South MXD is located to the north, but no public road connection exists at this time.

Graphic #2: Arcadia Business Park Zoning



ANALYSIS

Summary of Development Standards Findings and Conclusions

The site presents several issues that added challenges to the development of this project.

1. **Adjacent Residential Development:**

- a. The Arcadia Business Park development surrounds the Countryside PUD (approximately 35 acres) on the south, west and northern sides. Originally, the entire area of the Russell development site was part of a residential PUD. Only a 30-acre portion was actually developed with attached single family units, an additional 5-acre buffer behind the units was added, creating a total of 35 acres within Countryside PUD.
- b. To address the limited site-access problems, the Applicant acquired land from the adjoining Countryside PUD development. The Applicant worked with the Home Owners Association (HOA) to acquire the additional land needed for a safe entry.
- c. The Arcadia Business Park development plan adds landscape improvements designed to mitigate the effects of an existing residential development that is surrounded by a planned industrial development.

2. **Historic Arcadia Mansion Farm:**

- a. The Arcadia Mansion Farm is located in between MD 85 and Lots 5 and 6 of the Arcadia Business Park development project. Arcadia is listed in the National Register (NR) but is zoned LI and currently under the ownership of Calvary Independent Baptist Church of Mount Airy Inc. The main farm-house is a two and one-half-story structure built about 1790, with post-Civil War additions. There is a bank barn, carriage house and wagon shed/corn crib on the site and these are structures of historical importance as part of the Arcadia farm complex.

3. **Site Access:**

- a. A short dead-end road "Conestoga Trail" serves the Countryside townhouse development. An extension (Arcadia Drive) of Conestoga trail is proposed and reflected on this revised Preliminary Plan (AP 16796) and will also be reflected in a revised site plan for the Countryside townhouse development. This entrance is designed as a monumented access onto MD 85 and will eventually provide a safer access into the Countryside development due to a planned traffic light to be constructed at MD 85 and the existing Conestoga Trail.
- b. Arcadia Drive is also proposed to connect to Wedgewood Boulevard to the west, which would provide for two full movement access points for Arcadia Business Park.
- c. SHA design for a bridge reconstruction across Ballenger Creek and Ballenger Creek floodplain and impacts to the Arcadia Mansion prevented the Applicant from developing a site entry on MD 85 north of the Arcadia Mansion Farm.
- d. The Arcadia Business Park Property is located next to the Westview South MXD. No internal road connection was required by the Planning Commission during the approval process for Westview South. However, Staff and the Applicant worked to show a *potential* connection to the north of proposed Lot 4 to connect to the built Executive Court South, should the opportunity arise in the future.

A. ZONING ORDINANCE REQUIREMENTS

1. **Dimensional Requirements/Bulk Standards §1-19-6.100:** §1-19-6.100 of the Zoning Ordinance stipulates the setback requirements for the LI zone and the minimum lot area for the proposed use. The setback requirements are 25-foot front and 20-foot rear, and side yards equal to the height of the structure. The proposed plan meets the required Bulk/Dimensional requirements. All of the proposed lots meet the minimum 20,000 square foot (0.92 acres) lot size requirement. Lots range in size from 3.83 acres up to 17.27 acres (Lot 5), with an average lot size of 9.86 acres. The required front, rear, and side setbacks are shown on the plan and meet the Zoning Ordinance requirements.

Zoning Ordinance Requirements Findings/Conclusions

The proposed subdivision will meet all Zoning Ordinance requirements.

B. SUBDIVISION REGULATION REQUIREMENTS

- 1. Land Requirements §1-16-217 (A):** *The land use pattern of the Comprehensive Plan and the district regulations of the zoning ordinance shall form the basic theme of the design pattern of the proposed subdivision.*

The proposed land use and subdivision design complies with the Comprehensive Plan designation of Limited Industrial and meets Zoning Ordinance requirements.

- 2. Land Requirements §1-16-217 (B):** *The subdivision design shall take advantage of the uniqueness of the site reflected by topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.*

The site design takes advantage of the site topography, wooded areas, water bodies, and adjoining subdivisions. The stream valleys and waterbody buffers will be maintained in existing forest. The existing forest, as well as new forest plantings, will provide additional buffers along these sensitive areas. This network of green corridors provides a scenic buffer between the three development land bays and helps preserve the rural character of the site. The street network and lot layout is designed to avoid stream crossings. The site was graded in 2010 subsequent to the approvals gained at that time. With the exception of the previously preserved FRO easements, the site has been cleared of all vegetation.

- 3. Preliminary Plan, Required Information §1-16-72 (B)(19)(a & b):** *Soil types: (a) Soils type(s) information shall be provided and appropriate boundaries shown on the plan. In the event that "wet soils" are located on or within 100 feet of a proposed residential subdivision, a soils delineation report shall be prepared by a licensed soil scientist or professional engineer registered in the State of Maryland. The soils delineation report shall be submitted for review prior to Planning Commission approval of the plan. The Division may waive this requirement if the "wet soils" are located within open space areas. (b) If residential lots are proposed within "wet soils" then a geotechnical report is required to be submitted by a professional engineer registered in the State of Maryland. A note shall be placed on the plan that all construction shall be in conformance with the geotechnical report.*

Existing mapping of the site reflects LsA type flooding and wet soils, located on-site. However, after the previous Preliminary/Final Site Plan approval the site was mass graded consistent with approvals in place at that time. The recent site plan note #6 indicates that no wetlands or 100-year floodplain are impacted by the proposed development. The site has been designed to treat all SWM for quality and quantity in accordance with the 2007 MD SWM Guidelines

Road Access Requirements. Public Facilities §1-16-12 (B)(3)(b): *For major subdivisions; Lots must access a publicly-maintained road with a continuously paved surface that is at least 20 feet in width.*

The Applicant is proposing Arcadia Drive as a single public road (cul-de-sac) of 1,600 feet, located off of MD 85. The Applicant has worked with Staff to provide a 60' wide right-of-way for the construction of Arcadia Drive and to construct a 20' wide private road to the south of proposed Lots 3 and 4 in order to serve as a future full movement connection to Wedgewood Boulevard. This connection would eventually provide all of the proposed lots with redundant access to MD 85 and Wedgewood Boulevard.

5. Other Street Requirements. Development on Dead End Streets §1-16-236 (C) & (K):

(C) Rights-of-way for proposed streets shall be extended to the boundary lines of the proposed subdivision so that a connection can be made to all adjacent properties unless such extension is not feasible because of topography or other physical conditions, or unless, in the determination of the Planning Commission, such extension is not necessary or desirable for the coordination with existing streets or the most advantageous development of adjacent tracts. In any event, no subdivision shall be designed so as to create or perpetuate the landlocking of adjacent undeveloped land.

(K) Subdivisions on cul-de-sac or dead end streets shall be permitted only if approved by the Planning Commission (or county staff) in accordance with this division, the Design Manual, and the following provisions, as applicable:

(1) For proposed development on new or existing cul-de-sac or dead end street(s), except existing dead end streets described in subsection (2) below, the following requirements apply:

(a) Applicant must demonstrate the existence of site specific circumstances that make the design and development of a through street practically infeasible.

(b) In the AG and R-1 zoning district, cul-de-sac or dead end street(s) shall not exceed 1,800 feet in length and shall not serve more than 30 lots, dwelling units, or parcels...

The Applicant is proposing a single public road (cul-de-sac) of 1,600 feet, located off of MD 85 (Arcadia Drive). The Applicant has worked with Staff to provide a 60' wide right-of-way for the construction of Arcadia Drive and to construct a 20' wide private road to the south of proposed Lots 3 and 4 in order to serve as a future full movement connection to Wedgewood Boulevard. This connection would eventually provide all of the proposed lots with redundant access to MD 85 and Wedgewood Boulevard.

The Applicant has also worked with Staff in order to provide an access easement to the north of Lot 4 (not part of this application) in order to connect to the existing Executive Court South cul-de-sac within the Westview South MXD. This potential connection would provide further redundancy and provide through-movement access to Executive Drive.

6. Lot Size and Shape. Panhandle Lots §1-16-219 (C)(2): *Panhandle lots may be approved by modification of the Planning Commission in major subdivisions only when it is determined by the Commission that "excellence of design" will be achieved or that such lots are inaccessible to the road due to odd shape and/or topographical constraints. In each case, the Planning Commission will determine "excellence of design" based on the spatial relationship of the panhandle lot to other lots and the public road. Only physical design criteria such as odd shape and road inaccessibility, topography, existing utilities, proposed and existing well and septic constraints (Health Department criteria) and natural or man-made features shall be used by the Planning Commission in granting modifications for panhandle lots in major subdivisions.*

There are no panhandle lots proposed as part of this Preliminary Plan.

7. Water and Sewer Facilities. Public Facilities §1-16-12 (C): *The proposed subdivision shall be disapproved unless each building lot has been approved for individual and/or community sewerage and water facilities by the Health Department.*

The site is to be served by public water and sewer and is classified W-1 and W-3, S-3. The property has an S-3 sewer classification. The water classification is an inaccurate water category for the subject property. However, the project is within a water and sewer service area and is required to comply with all Rules and Regulations of the Division of Utilities and Solid Waste Management (DUSWM) in order to utilize public water and sewer infrastructure for development of the property. The entire site will be served by water coming from New Design WTP and Sewer flowing into the Ballenger-McKinney WWTP.

Subdivision Regulation Requirements Findings/Conclusions

The project will meet all Subdivision Regulation requirements once all agency comments and conditions are met.

C. OTHER APPLICABLE REGULATIONS

Stormwater Management – Chapter 1-15.2: Stormwater Management has been addressed per previously approved and still valid Improvement Plans, AP 14165.

APFO – Chapter 1-20:

- 1. Schools.** Schools are not required to be tested due to the commercial uses proposed.
- 2. Water/Sewer.** While the public sewer and water facilities are currently adequate to serve the Project, the Applicant is aware that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded and building permits will be issued. Plat recordation and building permit issuance is subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et seq. and all applicable County regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.
- 3. Roads.** As previously discussed, this development has fully guaranteed road improvements and has paid into all road escrow accounts required by the APFO at preliminary subdivision plan, outlined in the project's vested 2006 Letter of Understanding (LOU) (AP 4166).

This site is subject to the Letter of Understanding and APFO testing attached to the original Russell Property subdivision. The LOU identified a total of 413,730 SF of General Light Industrial building area but the site was tested, and APFO findings made, assuming trips generated by 484,000 SF. Therefore, if the applicant chooses to exceed the LOU subdivision building cap of 413,730 SF at some point in the future, they may provide a "trip scorecard" to the County staff. The scorecard would take into account the number of trips considered for original APFO testing based on the assumed 484,000 SF, and the number of trips associated with approved and proposed site plans. The Applicant would then demonstrate that the summed peak hour trips from each site in the subdivision would not exceed the overall 482 AM and 529 PM peak hour trips originally used for APFO testing for the entire site. If the trip scorecard at that time indicates the total trips from the individual sites exceed the subdivision trip cap, the subdivision would then be re-tested for APFO and/or for additional escrow payments as determined by the APFO law in effect at that time

Forest Resource Ordinance – Chapter 1-21: FRO mitigation for this development (recordation of on-site forest conservation easements and payment of fee-in-lieu) was provided in 2008 under AP 6866. No further FRO mitigation is required.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Development Review Engineering (DRE):	Conditional Approval
Development Review Planning:	Hold: Address all agency comments as the plan proceeds through to completion.
State Highway Administration (SHA):	N/A
Div. of Utilities and Solid Waste Mngt. (DUSWM):	Conditional Approval
Health Dept.	Conditional Approval
Office of Life Safety	Approved
DPDR Traffic Engineering	Approved
Historic Preservation	N/A

RECOMMENDATION

Staff has no objection to conditional approval of this Preliminary Plan for the reconfiguration of Lots 1-6 on a 61.50-acre site.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable Subdivision, Zoning, APFO, and FRO requirements. Should the FcPc grant approval of this application (S-1140, AP 16796), Staff recommends that the following items be added as conditions to the approval:

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.
2. This Preliminary Plan must be stamped and signed, the reconfigured lots must be recorded, and the liber/folio numbers listed on any corresponding site plans prior to the final approval of any site plans for Arcadia Business Park (formerly Russell).
3. Prior to final stamp and signature of this Preliminary Plan for Arcadia Business Park, the Countryside Addition Plat (AP 17098) must be approved and recorded. The liber/folio reference of the newly recorded Countryside Addition Plat shall be listed within General Note #1. This Addition Plat reference is essential to provide fee simple legal access to Arcadia Business Park.
4. The Open/Close/Alter application for Arcadia Drive shall be approved, prior to final stamp and signature of this Preliminary Plan.
5. The County Executive needs to sign the Preliminary Plan for Arcadia Business Park because Outlot A is owned by County.

PLANNING COMMISSION ACTION **MOTION TO APPROVE**

I move that the Planning Commission **APPROVE S-1140 (AP 16796) with conditions** as listed in the staff report for the proposed preliminary plan for the reconfiguration of Lots 1-6 on a 61.50-acre site, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

